

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GTZM TECHNOLOGY VENTURES LTD.,

Plaintiff,

v.

VONAGE HOLDINGS CORP.; VONAGE
AMERICA INC.; and
VONAGE MARKETING LLC,

Defendants.

C.A. No. 12-_____

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff GTZM Technology Ventures Ltd. ("GTZM") alleges as follows:

PARTIES

1. GTZM is an Israel private limited liability company with a principal place of business at 18 Messada Street, Ramat Gan 52235, Israel.
2. Defendants Vonage Holdings Corp. ("Vonage Holdings") and Vonage America Inc. ("Vonage America") are each Delaware corporations with a principal place of business at 23 Main Street, Holmdel, New Jersey 07733. Defendant Vonage Marketing LLC ("Vonage Marketing") is a Delaware limited liability company with a principal place of business at the same address. Defendants Vonage Holdings, Vonage America, and Vonage Marketing are hereinafter referred to collectively as "Vonage." Vonage may be served via their registered agent, The Corporation Trust Company, 1209 North Orange Street, Wilmington, Delaware 19801.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1331 (b)-(d) and 1400(b) because Vonage is subject to personal jurisdiction in this district, has committed or induced acts of patent infringement in this district, or has a regular and established place of business in this district.

COUNT I
(Infringement of U.S. Patent No. 5,455,859)

5. GTZM is the owner by assignment of United States Patent No. 5,455,859 ("the '859 patent"), entitled "Telephone Handset Interface for Device Having Audio Input." The '859 patent issued on October 3, 1995. A true and correct copy of the '859 patent is attached hereto as Exhibit A.

6. Vonage has infringed and still is infringing at least claim 15 of the '859 patent, literally and under the doctrine of equivalents, by making, using, selling, offering to sell, or importing products that interface modems to telephone instruments and services that require such interfaces. Examples of such products include analog telephone adapters (ATAs).¹ Examples of such services include Vonage VoIP services.²

7. As a result of Vonage's infringement of the '859 patent, GTZM has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless each defendant's infringing activities are enjoined by this Court.

8. Unless a permanent injunction is issued enjoining Vonage and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '859 patent, GTZM will suffer irreparable harm.

PRAYER FOR RELIEF

GTZM prays for the following relief:

1. A judgment that Vonage has infringed the '859 patent;

¹https://support.vonage.com/app/answers/detail/a_id/1054/kw/How%20do%20I%20activate%20my%20new%20phone%20adapter.

²http://www.vonage.com/us-canada-calling-plans/?refer_id=WEBHO0706010001W1&lid=sub_nav_domestic

2. A permanent injunction enjoining Vonage and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or privity with it from infringing the '859 patent;
3. An accounting for damages arising from the infringement of the '859 patent by Vonage and all those in privity with it, including loss of market share;
4. An award of damages proximately caused by Vonage's acts of infringement, at least under 35 U.S.C. § 284;
5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to GTZM its reasonable attorneys' fees against Vonage;
6. An award of pre-judgment and post-judgment interest against Vonage; and
7. Any and all other relief to which GTZM may show itself to be entitled.

DEMAND FOR JURY TRIAL

GTZM demands a trial by jury on all issues so triable.

June 7, 2012

BAYARD, P.A.

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